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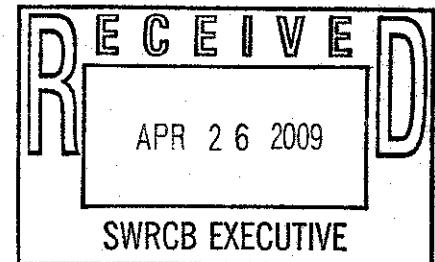
April 26, 2009

In reply refer to: EOL0409-063

Charles R. Hoppin, Chair and Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Attn: Ms. Jeanine Townsend, Clerk to the Board
commentletters@waterboards.ca.gov

RE: Comment Letter – Landscape Irrigation General Permit



Dear Chair Hoppin and Members of the Board:

El Dorado Irrigation District (EID) appreciates the opportunity to submit comments on the *Draft General Water Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water* (General Permit). As you may be aware, EID owns and operates two water recycling facilities and produces approximately 3,600 acre-feet of Title 22 recycled water annually for landscape irrigation purposes. EID has nearly 4,000 recycled water accounts; the majority of these are for single-family dual plumbed homes. We operate under one Master Reclamation Permit (WDR Order No. 5-01-146). As new development continues, EID has the potential to expand our recycled water program to produce 9,000 acre-feet of recycled water annually for irrigation. In order for EID to meet this water recycling goal, we strongly encourage the State Water Board to issue a revised draft General Permit that is consistent with the Recycled Water Policy and supports the production and distribution of recycled water. This General Permit should be written without overly burdensome and unnecessary requirements that would otherwise impact a utilities financial capability to adopt, continue with or expand a recycled water program.

As the State Water Board declared in the recently adopted Recycled Water Policy (Policy), expanding the use of recycled water in California is more important today than at any other time in our history. The State's future water supply and economy depend upon increased recycled water use. Yet recycled water is at an artificial and unfair disadvantage compared to other, typically less energy efficient water sources.

EID has the following comments on the General Permit:

- We agree with reference to and compliance with Title 22 of the California Code of Regulations (Title 22), the four best management practices (BMPs) specified in the Policy, and an operation and management plan (O&M Plan). However, the General Permit should only reference Title 22, not interpret the language in Title 22 or its intent.
- A number of the findings and prohibitions in the General Permit undermine its purpose. These findings and prohibitions characterize recycled water as a waste rather than valuable resource. For example, the findings generally create the impression that recycled water is a water quality threat. This is inconsistent with the Policy as well as the Water Code. Water Code section 13050(n) defines "recycled water" as "water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource." We recommend that the findings and prohibitions are revised to be consistent with the Recycled Water Policy and the Water Code.
- Prohibition No. 8 would prohibit recycled water use where the California Department of Public Health (CDPH) determines there is a mere "concern" with constituents of emerging concern (CECs). What would constitute a concern is unclear. Moreover, Prohibition No. 8 is contrary to the Policy, which deems the science regarding CECs to be insufficient to support regulation and calls establishment of a Blue Ribbon Panel. Consistent with the Policy, the General Permit should defer any CEC-related requirements until after the science-based process underway establishes that such requirements are appropriate.
- Prohibition No. 11 would prohibit the use of recycled water within 50 feet of any surface water without regard to compliance with the Policy, Title 22 and the applicable BMPs or the absence of any water quality threat. This is not a requirement in our existing WDR. We recommend that the language is revised to state that direct discharges to surface waters or a surface water drainage course are prohibited.
- This permit governs only landscape irrigation, yet Prohibition 16 would import Proposition 65 *drinking water* requirements into the permit. The list of Prop 65 chemicals is extensive, and this provision would severely limit irrigation projects. It is unclear what purpose this prohibition serves any why it is included. We recommend Prohibition 16 is removed from the General Permit.
- Some provisions of the Permit are so prescriptive as to exceed the requirements of the Policy and our existing WDR. For example, Specification No. 12 requires use

areas to display a sign to notify the public not to drink the recycled water. The sign must include certain wording and an international symbol similar to that shown in Attachment D of the General Permit. However, Title 22 allows for the use of alternative signage and wording or an educational program where the alternative provides equivalent notification. (Cal. Code Regs, tit. 22, § 60310.) We request that the General Permit only reference and require compliance with Title 22.

- The General Permit monitoring and reporting requirements will render our recycled water program infeasible. For example, the General Permit's requirements in the monitoring and reporting program to monitor daily, conduct weekly site investigations and prepare an annual report for each use area would be excessive and unnecessary. EID has nearly 4,000 recycled water accounts and several "sites". The staff time that would be necessary to meet this requirement alone would have significant fiscal impacts to our program. Attachment A is a comparison of the EID's monitoring and reporting requirements with the General Permit monitoring and reporting requirements. The monitoring and reporting requirements in the General permit are unnecessary, overly burdensome, have significant cost impacts and are much more onerous and stringent than our current WDR. As written, this General Permit would create significant disincentives for recycled water producers/distributors to seek General Permit coverage. We strongly recommend the monitoring and reporting section be revised. EID will not seek coverage under the General Permit unless significant changes are made.
- The requirement for individualized management plans for each site is inconsistent with the Policy, which specifies that a plan may apply to multiple sites.
- Several aspects of the permit require clarification. The General Permit should be clearer as to how it relates to existing MRPs. For example, the General Permit should state whether existing WDRs or WRRs that regulate landscape irrigation projects are to be rescinded by the Regional Water Boards once the project is covered under the General permit.

Thank you for your time and consideration of our comments. EID appreciates the State Water Board's efforts to develop a General Permit that promotes the use of recycled water. We believe our comments will assist the State Water Board in development of a useable and reasonable General Permit. We hope that a revised General Permit will incorporate our recommendations above and the recommendations of ACWA, CASA and WaterReuse.

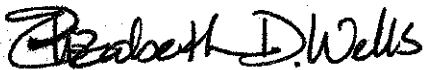
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I would like to close this letter with an invitation. EID had been producing and distributing recycled water since the 1970's. We started our dual-plumbed program to single-family homes in the 1990's. Our service area continues to grow and our program has been very successful. If the State Water Board staff would like a tour and an overview of our program including an interactive discussion on how we produce, distribute and operate it, we would be honored to host such a visit. If staff would like me schedule this or if I can answer any questions regarding our program or these comments, please call me directly at (530) 642-4146.

Sincerely,

A handwritten signature in dark ink, appearing to read "Elizabeth D. Wells". The signature is fluid and cursive, with the first name being the most prominent.

Elizabeth D. Wells, P.E.

Wastewater/Recycled Water Engineering Division Manager

Enclosure

cc: Vickie Caulfield, Wastewater/Recycled Water Operations Division Manager
Tom Cumpston, General Counsel

Monitoring and Reporting Program

(22)

EID similar requirements per MRP		EID similar requirements per MRP
Weekly	Date of Examination	none
Weekly	Description of any violations noted	none
Weekly	Records of operational problems (if any)	none
Weekly	Corrective or preventative measures taken to comply with the General Permit	none
Weekly	Description of the nutrients contained in the RW and any other chemical or organic fertilizers used in the operation of the RW use area	Should include a "detailed account of nutrient additions to the RW use area."
Weekly	Observations of changes in soil characteristics	none
Weekly	Observations of changes in RW characteristics	none
Weekly	Observations of changes to plant species being irrigated (e.g. changes to nutrient demand)	none
Weekly	Equipment malfunctions or other circumstances that might allow runoff to leave use area or create ponding	none
Weekly		none
EID similar requirements per MRP		EID similar requirements per MRP
Annually	RW Distributor Information	EID is producer and distributor; RB updated as necessary
	RW Producer Information	EID is producer and distributor; RB updated as necessary
	Use area information	information kept on file at EID; only updated as changes occur
	RW Supervisor	information kept on file at EID; only updated as changes occur
	Daily RW use area report	not required
	Annual RW use area report	not required
	Logbook entries	not required